

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x 429-441 86TH STREET LLC,

Plaintiff,

v.

TOWN SPORTS INTERNATIONAL
HOLDINGS, INC.,

Defendant.

- ANDREW L. CARTER, JR., District Judge:

USDC SDNY
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ELECTRONICALLY FILED

DOC#: _____

DATE FILED: 5/17/2021

1:21-cv-01356-ALC

ORDER

: x

On March 15, 2021, this Court ordered, *inter alia*, that the Parties file a status report with a proposed briefing schedule for Plaintiff's motion for summary judgment and "any other motions then contemplated, by March 30, 2021." ECF No. 14. On March 23, 2021, Defendants answered the complaint, which included counterclaims. ECF No. 15. The Parties filed that status report on March 30, 2021, in which Defendant requested discovery before proceeding with summary judgment. ECF No. 16. On April 7, 2021, the Court ordered Defendant to respond "indicating what discovery it would seek prior to the briefing of Plaintiff's motion for summary judgment" no later than April 12, 2021. ECF No. 17. Defendants responded on April 12, 2021. ECF No. 18. On April 13, 2021, this Court granted Plaintiff's request to move to dismiss Defendant's counterclaims and set a briefing schedule for that motion, denied Plaintiff's request to brief summary judgment without further discovery, and approved the proposal to begin discovery on May 21, 2021. ECF No. 20. On the same day, this Court granted Plaintiff leave to respond to Defendant's request to conduct discovery before proceeding with summary judgment. ECF No. 21. On April 19, 2021, Plaintiff filed that response. ECF No. 22.

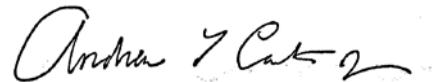
On May 13, 2021, Plaintiff requested a pre-motion conference to move to stay discovery pending a decision on the motion to dismiss counterclaims. ECF No. 28. Defendant responded and requested an extension of two weeks to file a formal response. ECF No. 29. Plaintiff replied to the request for an extension. ECF No. 30.

Upon review of the submissions from the Parties regarding whether to proceed with summary judgment without further discovery, Defendant's request to engage in discovery is hereby GRANTED. The Parties are directed to conduct discovery regarding summary judgment issues under the guidance of Magistrate Judge Sarah Netburn, which includes Plaintiff's pending motion to stay discovery (ECF No. 28). The Parties should comply with the motion to dismiss briefing schedule as previously ordered. *See* ECF No. 20.

SO ORDERED.

Dated: May 17, 2021

New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", is positioned above a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge